

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: :
:
Stacey L. Camp : **Case No.: 10-17284**
Robbin R. Camp : **Chapter 13**
Debtor(s). : **Judge Burton Perlman**
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**MOTION OF JPMORGAN CHASE BANK, NA FOR RELIEF FROM STAY ON
FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 3309 NANDALE DR.,
CINCINNATI, OH 45239**

JPMorgan Chase Bank, NA (the "Creditor") in this proceeding under Chapter 13 of the Bankruptcy Code, and pursuant to 11 U.S.C. Section 362(d) of the Bankruptcy Code, Rules 4001, 9013 and 9014 of the Bankruptcy Rules and Local Bankruptcy Rules 4001-1 respectfully moves this Court for relief from the automatic stay imposed by 11 U.S.C. Section 362(a) in order to proceed with a state court proceeding to foreclose on the property located at 3309 Nandale Dr., Cincinnati, OH 45239. The grounds upon which this Motion is made are more fully set forth in the attached Memorandum in Support.

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. § 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
2. On February 19, 2008, Stacey L. Camp and Robbin R. Camp (collectively "Debtor") obtained a loan from Polaris Home Funding Corp., a Michigan Corporation in the

amount of \$195,742.00. Such loan was evidenced by a Promissory Note dated February 19, 2008 (the "Note"), a copy of which is attached as Exhibit A.

3. To secure payment of the Note and performance of the other terms contained in it, the Debtor executed a Mortgage dated February 19, 2008 (the "Mortgage"). The Mortgage granted a lien on the real property (the "Property") owned by the Debtor, located at 3309 Nandale Dr., Cincinnati, OH 45239 and more fully described in the Mortgage. Stacey L. Camp and Robbin Camp acquired title by virtue of a deed from Albert A. Jones, Trustee and Jeanne H. Jones, husband and wife, dated June 18, 1999, filed June 24, 1999, recorded in Official Records Volume 7997, Page 2375, Recorder's Office, Hamilton County, Ohio. A copy of said Deed is attached as Exhibit B.
4. The lien created by the Mortgage was duly perfected by the filing of the Mortgage in the office of the Hamilton County Recorder on February 26, 2008. A copy of the Mortgage is attached as Exhibit C. The lien is the first lien on the property.
5. The Note was transferred as follows:
 - a. from Polaris Home Funding Corp to JPMorgan Chase Bank, N.A.. The transfer is evidenced by the endorsement attached to this Motion as Exhibit A.
6. The Mortgage was transferred as follows:
 - a. from "MERS" Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for Polaris Home Funding Corp, a Michigan Corporation to Chase Home Finance LLC, dated November 6, 2010. The transfer is evidenced by the document attached to this Motion as Exhibit D.
7. Creditor has standing to bring the Motion as it is the successor in interest to Chase Home Finance LLC as described in detail in the Certificate of Merger attached to the Motion as Exhibit E.
8. The value of the Property is \$202,950.00. This valuation is based on the Auditor's tax record which is attached as Exhibit F.

9. As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$186,991.82, plus interest accruing thereon at the rate of 6.5% per annum from October 1, 2010.
10. Other parties known to have an interest in the Property are as follows:
 - a. the Hamilton County Treasurer;
11. The Creditor is entitled to relief from the automatic stay under 11 U.S.C. § 362(d)(1) and/or 362(d)(2) for these reason(s):
 - a. Debtor has failed to provide adequate protection for the lien held by the Creditor for the reasons set forth below.
 - b. Debtor has failed to make periodic payments or has made partial payments to Creditor since the commencement of this bankruptcy case for the months of February 2011, June 2011 and September 2011. Per the Note and Mortgage, payments are applied to the last month due. Based upon the foregoing, Debtor is post petition due for September 2011 through October 2011, which unpaid payments less any funds being held in post-petition suspense are in the aggregate amount of \$3,358.26. The total provided in this paragraph cannot be relied upon as a postpetition reinstatement quotation.
12. Creditor has completed the worksheet attached as Exhibit G.
13. This Motion conforms to the standard form adopted in this District except as follows:

Clarification of language in Paragraph 3. Paragraph 7 has been added to clarify how Creditor has standing to bring Motion.

WHEREFORE, Creditor prays for an Order from the Court granting Creditor relief from the automatic stay of 11 U.S.C. § 362 of the Bankruptcy Code to permit Creditor to proceed under law and for such other and further relief to which the Creditor may be entitled.

Respectfully submitted,

/s/ James E. Tebbutt
James E. Tebbutt (0084830)
Holly N. Wolf (0068847)
Manley Deas Kochalski LLC
P.O. Box 165028

Columbus OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
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Attorneys for Creditor

NOTICE OF MOTION

JPMorgan Chase Bank, NA has filed papers with the court to obtain relief from stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

Clerk of the United States Bankruptcy Court
Atrium Two, Suite 800
221 East Fourth Street
Cincinnati, OH 45202

OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to

Manley Deas Kochalski LLC
Attention: James E. Tebbutt
P.O. Box 165028
Columbus OH 43216-5028

Office of U.S. Trustee
Southern District of Ohio
Party of Interest
36 East Seventh Street
Suite 2050
Cincinnati, OH 45202

Margaret A. Burks
600 Vine Street
Suite 2200
Cincinnati, OH 45202
cincinnati@cinn13.org

Rebecca S Lindner
Attorney for Stacey L. Camp and Robbin R. Camp
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rebecca@lindnerlawoffice.com

Stacey L. Camp
Robbin R. Camp
3309 Nandale Dr.
Cincinnati, OH 45239

Hamilton County Treasurer
County Administration Building
138 East Court Street
Cincinnati , OH 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2011, a copy of the foregoing Motion for Relief from Stay on First Mortgage for Real Property Located at 3309 Nandale Dr., Cincinnati, OH 45239 was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee
Southern District of Ohio
Party of Interest
36 East Seventh Street
Suite 2050
Cincinnati, OH 45202

Margaret A. Burks
600 Vine Street
Suite 2200
Cincinnati, OH 45202
cincinnati@cinn13.org

Rebecca S Lindner
Attorney for Stacey L. Camp and Robbin R. Camp
8044 Montgomery Road
Suite 700
Cincinnati, OH 45236
rebecca@lindnerlawoffice.com

and on the following by **ordinary U.S. Mail**, addressed to:

Stacey L. Camp
Robbin R. Camp
3309 Nandale Dr.
Cincinnati, OH 45239

Hamilton County Treasurer
County Administration Building
138 East Court Street
Cincinnati , OH 45202

/s/ James E. Tebbutt
James E. Tebbutt